CP 1501

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 997 OF 2004

BETWEEN

Vivek Kumar Bibay S/o ~~Shri~~ Late Shri Ravi Kumar Bibay, aged about 27 years, resident of Street No.4, Zone I, 34 New Adarsh Nagar Durg, Tehsil and Disrrict Durg (CG).

PETITIONER

Attested
3/5/04

AND

1. Chhattisgarh State Electricity Board, Through its Secretary, C.S.E.B. Raipur, Tehsil and District Raipur (CG).

2. Joint Secretary(Karmik)-2 C.S.E.B. Raipur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

...of the Petitioner :

Respondent No. 3. Union of India Through the Secretary Department of Personal and training Khan Market. New Delhi.

4. Madhya Pradesh State Electricity Board, through its Secretary M.P.S.E.B. Jabalpur (M.P.)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP 997/04... **सन् 200**

(116)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6.7.2006

Shri Sunil Sahu, counsel for the petitioner.

Shri A.S. Geharwar, Standing Counsel for respondent No.1 & 2.

Shri S.K. Beriwal, Central Government Counsel for respondent No.3.

Shri Vivek Verma, counsel for respondent No.4

Heard.

By this petition the petitioner has questioned the legality, propriety and correctness of the Policy Circular dated 28.2.2004 whereby new policy regarding compassionate appointment has been introduced and also the letter dated 29.4.2003 (Annexure P-2) whereby the Joint Secretary, CSEB wrote a letter to the Deputy Secretary, Office of Chief Minister, Government of C.G. to the effect that as Ravi Kumar Bibay died on 8.6.1999, therefore, his son Vikek Kumar Bibay is not entitled for compassionate appointment.

The case of the petitioner is that his father Late Ravi Kumar was working in the CSEB and died in harness on 8.6.1999 while working as Clerk OA Grade-II in the office of State Electricity Board, Jagdalpur. Accordingly the petitioner applied for compassionate appointment, however, his application was not considered in view of letter dated 29.4.2003 (Annexure P-2) mentioning therein that as the death of petitioner's father took place on 8.6.1999, therefore, the petitioner is not entitled for compassionate appointment as also on the ground that on 28.2.2004 new policy for compassionate appointment has been introduced.

It is an admitted fact that the father of the petitioner died in harness on 8.6.1999 when he was working as Clerk OA Grade-II, thereafter

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the petitioner applied for compassionate appointment and at that time the policy dated 30.1.1997 was in force, therefore, as has been held by this Court in order dated 20.6.2006 passed in W.P. No.1126/03 the petitioner's case has to be considered according to the policy in force at the time of death of the petitioner's father and it is made clear that the policy dated 28.2.2004 is not applicable in the case of the present petitioner.

Accordingly, the order dated 29.4.2003 sent by the Joint Secretary is hereby quashed and the petition is disposed of with the direction that respondent-CSEB is directed to consider the case of the petitioner for compassionate appointment in accordance with the policy dated 30.1.1997 within a period of three months.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge